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COBURN&SCHERTLER

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(A) 157, 51

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: TERRORIST ATTACKS OF  
SEPTEMBER 11, 2001

)  
) 03 MDL 1570 (RCC)  
) ECF CASE  
)  
) 04 CV 1076  
) 04 CV 1923  
)

) STIPULATION AND ORDER OF  
) SUBSTITUTION OF COUNSEL

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
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This document relates to:

*Estate of John P. O'Neill Sr. et al. v. Al Baraka Inv. & Dev. Corp. et al.*  
04-CV-1923 (RCC)  
*Estate of John P. O'Neill Sr. et al. v. The Republic of Iraq et al.*  
04-CV-1076 (RCC)

IT IS HEREBY STIPULATED AND AGREED that the Law Office of David  
Gouravitch, P.C., shall be and hereby is substituted for Coburn & Schertler, LLP, now  
known as Schertler & Onorato, LLP, as counsel for defendants Martin Wachter, Erwin  
Wachter, Secor Treuhand Anstalt, and Asat Trust Reg.

Dated: New York, NY  
September 24, 2005

COBURN & SCHERTLER, LLP  
SCHERTLER & ONORATO, LLP

By



Lisa Fishberg (SDNY LF6546)

Schertler & Onorato LLP

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Former attorneys for Defendants  
Martin Wachter  
Erwin Wachter  
Sercor Treuhand Anstalt  
Asat Trust Reg.

LAW OFFICE OF DAVID GOUREVITCH, P.C.

By: David Gourevitch  
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New attorneys for Defendants  
Martin Wachter  
Erwin Wachter  
Sercor Treuhand Anstalt  
Asat Trust Reg.

SO ORDERED

Richard C. ...

U.S.D.J.

September 27, 2005

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)  
) 03 MDL 1570 (RCC)  
) ECF CASE  
)  
) 04 CV 1076  
) 04 CV 1923  
)  
)  
)

AFFIDAVIT OF DAVID U. GOUREVITCH  
IN SUPPORT OF APPLICATION TO CHANGE  
LOCAL COUNSEL PURSUANT TO LOCAL CIVIL RULE 1.4

This document relates to:

*Estate of John P. O'Neill, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al.*,  
04-CV-1923 (RCC)  
*Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al.*,  
04-CV-1076 (RCC)

DAVID U. GOUREVITCH, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and a member of the Law Office of David Gourevitch, P.C. I submit this declaration in support of the application of defendants Martin Wachter, Erwin Wachter, Sercor Treuhand Anstalt, and Asat Trust Reg., pursuant to Local Civil Rule 1.4, for leave to substitute my firm as their counsel in this action.

2. The firm of Coburn & Schertler previously represented defendants Martin Wachter, Erwin Wachter, Sercor Treuhand Anstalt, and Asat Trust Reg. in this action. Mr. Coburn was lead counsel. Lisa Fishberg, of Coburn & Schertler, was counsel of record. Mr. Coburn recently left Coburn & Schertler, now known as Schertler & Onorato, and joined the law firm Trout Cacheris, PLLC, where he will continue to serve as lead counsel for the defendants.

The defendants have retained my firm to serve as local counsel and to substitute for Schertler & Onorato. I anticipate shortly moving the admission pro hac vice of Mr. Coburn as well as of Amy Berman Jackson who is a partner at Trout Cacheris, PLLC.

3. In 2002, plaintiffs commenced this action in the United States District Court for the District of Columbia. In December 2003, the Judicial Panel on Multi-District Litigation transferred this action to this court. On August 1, 2005, defendants Martin Wachter, Erwin Wachter, Sercor Treuhand Anstalt, and Asat Trust Reg., filed a Motion to Dismiss. On September 14, 2005, the O'Neill Plaintiffs filed an Opposition. The plaintiffs and defendants have agreed by stipulation to extend the due date for the defendants' Reply to October 24, 2005. No trial date has been set. Mr. Coburn who has served as lead counsel for defendants from the start of this litigation will continue to do so. Therefore, it is not anticipated that the proposed substitution of counsel will delay the progress of this case.

4. The firm of Schertler & Onorato consents to the relief sought in this application. We are also submitting for the Court's signature a Stipulation and Order signed by Schertler & Onorato and by me.

5. Accordingly, I respectfully request that the Court grant leave for the Law Office of David Gourevitch, P.C. to substitute as counsel for Martin Wachter, Erwin Wachter, Sercor Treuhand Anstalt, and Asat Trust Reg.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY  
September 26, 2005

A handwritten signature in cursive script, reading "David Gourevitch", written in black ink.

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